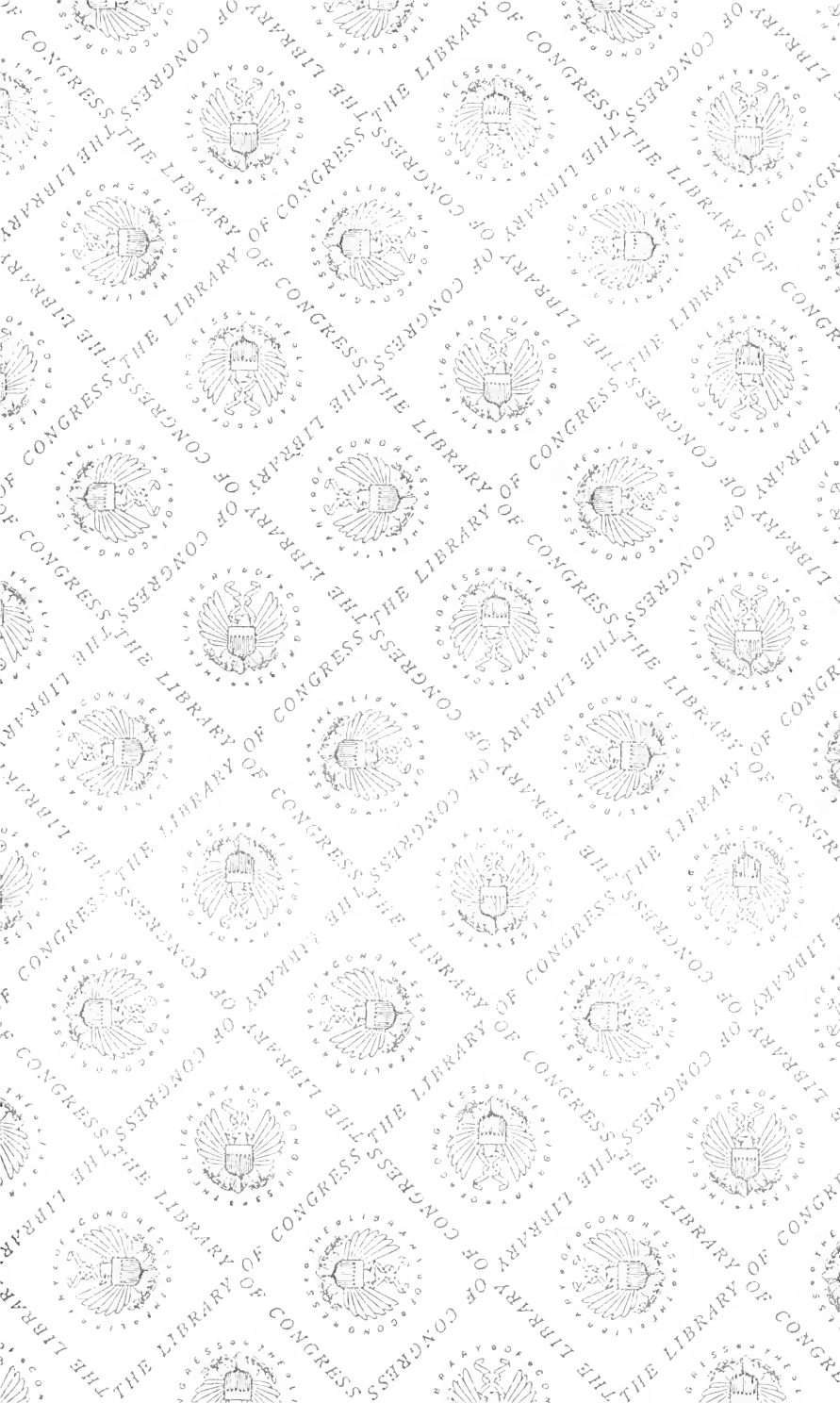
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THE STAY AND THE STAFF TAKEN AWAY.

A

DISCOURSE

OCCASIONED BY THE DEATH OF THE

HON. WILLIAM PRESCOTT, LL. D.,

DELIVERED IN

THE CHURCH ON CHURCH GREEN,

DECEMBER 15, 1844.

By ALEXANDER YOUNG.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
1844.

At a meeting of the New South Society, held after the afternoon service on Sunday, December 15th, 1844, Chief Justice SHAW presiding as Moderator, it was unanimously

Voted, That the thanks of the Society be presented to our Pastor, the Rev. ALEXANDER YOUNG, for the impressive Discourse this day delivered by him on occasion of the decease of our lamented fellow-worshipper, the Honorable WILLIAM PRESCOTT, and that he be requested to furnish a copy thereof for the press.

Voted, That a Committee of three members be appointed to present this request to Mr. YOUNG, and take measures for carrying into effect the purposes of the foregoing vote, and that Hon. LEMUEL SHAW, BENJAMIN RICH, Esq. and JOHN DORR, Esq. constitute this Committee.

R. L. EMMONS, *Proprietors' Clerk.*

BOSTON:
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DISCOURSE.

Isaiah, III. 1—3.

BEHOLD, THE LORD, THE LORD OF HOSTS, DOTH TAKE AWAY FROM JERUSALEM AND FROM JUDAH THE STAY AND THE STAFF — THE JUDGE, PRUDENT AND ANCIENT, THE HONORABLE MAN, AND THE COUNSELLOR.

Yes, he takes them all away, each in their turn and order, each in his own good time, in his own appointed way: and the Lord's time is always the best time, and the Lord's way the best way. In his great loving-kindness to their friends and to society, they may be permitted to live many days upon the earth, to pass the bounds assigned for the life of man, to outlast their contemporaries, to outlive their generation; and yet, at length, they too must be taken away.

> "They must lie down
> With patriarchs of the infant world — with kings
> The powerful of the earth — the wise, the good,
> Fair forms and hoary seers of ages past,
> All in one mighty sepulchre."

"It is appointed unto all men once to die." There is no exemption, and no escape, from this

fundamental, this universal law of our being. If there were any, the virtues and services enumerated in the text might have spared to us yet longer the venerable man, whom we this day miss from his accustomed place, and whose recent and sudden departure, we, my brethren, in common with his family and this whole community, have so much reason to deplore.

The text indicates who are the stay and the staff of society — who are the real benefactors of their country and their race — who they are by whom the interests of a community are upheld and guarded, and its rights vindicated and maintained. They are not the noisy demagogue, nor the unfledged patriot — not the mere practical man, nor the man of one idea — not the small politician, any more than the minute philosopher; — but the far-seeing and wide-reaching statesman, the man of enlarged views and comprehensive mind, the man of undeviating rectitude and unbending integrity. They are the tried and the trusted magistrate, the wise and impartial judge, the upright and honorable man, and the prudent and experienced counsellor. These are really the stay and staff of a commonwealth, — its lights, its ornaments, its blessings. It is to them that the people must look for support and guidance in all emergencies. In ordinary times, in times of quietness and tranquillity, the people may, perhaps, trust to ordinary men, and may leave it to

the conflicting parties to watch one another's movements, and to see to it that the State incurs no detriment from the lack of political wisdom or moral principle in their leaders. But in times of difficulty and trouble, that must arise, sooner or later, in every community and nation, — times like those on which we have now unfortunately fallen, — the people will find that in trusting to such men they have leaned upon a broken reed, and that nothing can supply the place of sound judgment, experience and integrity, in their rulers and public men.

1. The first stay and staff of a people, next to religion, is the *Magistracy* — the Judge's bench and office — the high Courts of Equity and Law. Here is the great barrier, the ocean-dike, which society sets up to repel the encroaching surges of iniquity and crime, which constantly threaten to overwhelm it. It is here, that the foundations of a people's security and happiness are laid — in their unwavering confidence in the decisions of a tribunal, lifted by the tenure of its office, by its independence alike of the interference of the government and the dictation of the populace, above the favor and the fear of man. Such a tribunal as this, — and such a one, thank God, we have, and have long had, in this commonwealth, — to which the poor and humble have equal access with the rich and powerful, and by which their rights are equally regarded and protected — a tribunal which cannot be warped by flattery, nor

intimidated by threats, nor lured by bribes — is the best emblem and representative of that awful tribunal before which we are all one day to stand in judgment. There is something august and venerable in the aspect, nay in the very idea, of such a tribunal — in the idea of its independence, its immobility, its absolute impartiality.

The comfort and happiness of a people depend far more upon the constitution of its Courts, and the character and qualifications of its Judges, than upon the theory or the form of its government. For usually the ruler of the State can have little to do directly with the affairs of the subject, and can affect him but little in his private concerns and his domestic relations; and if the subject have a refuge in the independence of the Courts, he has a security against this interference. Even under a monarchical form of government, like that of England, the citizen may be protected by Law in the quiet possession and undisturbed enjoyment of his dearest and most valuable interests. His house may be literally his castle, and his life, liberty and property may be perfectly secure from invasion. Whereas, under a republican or democratic form of government, where the Law has little or no authority, as in some parts of our own country, outrages may be committed that would not be tolerated under the despotisms of Russia or Turkey, and no man's life is secure from the summary vengeance

of an organized mob. One of the gravest offences that can be committed against the public weal, is to endeavour to bring the Judiciary into contempt, by lowering the standard of their qualifications, or encroaching upon their independence. The men who attempt this know not how grievous a wrong they are doing to themselves and to their children, as well as to their neighbours and fellow-citizens. There is no class of persons in a State whose labors are more arduous, whose services are more valuable, and whose influence is more salutary, than the Judges'. When they are driven from the Bench by a paltry economy, the people suffer and mourn; and when they are removed by death, the stay and the staff are taken away from Jerusalem and from Judah.

2. The next stay and staff of a community is its *honorable* men — not those who have this title from courtesy, or from some office which they have happened to hold, but men of pure character, uncompromising principle, and incorruptible integrity. These men are "the salt of the earth," which, diffused through society, preserves it from corruption — the leaven that keeps it from stagnation, fermenting the whole mass, and stirring it up to right actions and worthy deeds. And men of this description are not confined to any one class or calling in life. They are not the exclusive property of any political party or religious sect. They

are to be found not only on the Bench and at the Bar, not only in the Senate and at the Council-table, not only among those who have been favored with a liberal education and are engaged in the liberal professions, but also, and quite as often, among the merchants, the mechanics, and the farmers. You, my hearers, can point, as well as I, to many such honorable men, whom we have known in this city and commonwealth. And, thank God, the race is not yet extinct. We have still among us some of "nature's noblemen," men who make us proud of the city in which we dwell, men who would adorn any rank in any nation, who would feel a stain on their good name far more acutely than a wound on their body, and whose integrity is equalled only by their munificence.

One of the saddest sights that can be witnessed, is intellect devoid of integrity, talent divorced from principle. And one of the most alarming signs of the times in a republic, is when men of this character have an influence, acquire popularity by their eloquence, raise themselves to office by the low arts of intrigue, and sway the destinies of the nation. My friends, is not here our great danger, our great deficiency at the present juncture? It is universally admitted, that we have intellect and talent enough in this country, among our politicians and statesmen. What we lack is integrity, honor, principle. We want the thoroughly honorable man

the incorruptible statesman, the pure-minded patriot. And we never can expect to prosper, or to live at peace among ourselves, until more of moral and religious principle is infused into our public men. Unless this is done, the glory, if not the sceptre, will inevitably depart from us. When the honorable man fails, or dies, the stay and the staff are taken away from Jerusalem and from Judah.

3. There is another stay and staff which society needs to uphold and guide its steps — and that is the ancient and prudent *Counsellor*. He is the great balance-wheel in the political machine, revolving with a quiet and steady motion, regulating the movements of all the lesser wheels, and keeping them from flying madly from their centres. He brings the gathered wisdom of years and the lights of a various and mature experience to bear upon the new questions, which are constantly springing up to perplex and agitate society. The science of government is not a matter of intuition, but a subject for deep study and long reflection. On this point, "days should speak, and multitude of years should teach wisdom."

Such was formerly the universal, as it is the natural sentiment of mankind. Of late years, however, in this country, opinion seems to have somewhat changed ; at least there has been a tendency in an opposite direction. From the general decay of the sentiment of reverence among us, there has

been manifested of late years a disposition to take the management of important affairs out of the hands of "the ancient and prudent counsellor," where our fathers placed it, and to commit it to the inexperienced and immature.

We might have learnt, however, by this time, that this is all wrong, false in theory, and bad in practice. It is against nature, against reason, against our own experience, and against the Word of God. We know what was the fate of Rehoboam, when "he forsook the counsel of the old men, that stood before Solomon, his father, while he yet lived, and consulted with the young men, that were grown up with him, and which stood before him."[1] And we may rest assured, that whenever the prudent and ancient counsellor is removed, whether by prejudice, or faction, or the hand of death, the stay and the staff are taken away from Jerusalem and from Judah.

Since we were last assembled, brethren, in this our house of prayer, the grave has closed over the mortal remains of one of our fellow-worshippers, who worthily sustained the several relations enumerated in our text, of a Judge, an Honorable Man, and a Counsellor. A sense of duty to the living, as well as to the dead, prompts me to speak to you

[1] 1 Kings, xii. 6—8.

of him, in the words of truth and soberness — both as a deserved tribute to a beloved and honored name, and for our own benefit and improvement. We may all be made the wiser and the better, I think, by the contemplation of his character and example.

William Prescott was born on the 19th of August, 1762, at Pepperell, in the county of Middlesex, in this State. He sprung from a most honorable parentage.[1] He was the only son of a New-England farmer, who drove his own team a-field, and ploughed his own acres. That same farmer was Colonel William Prescott, who, on the 17th of June, 1775, at the head of the raw recruits of the New-England militia, twice broke the serried ranks of the British grenadiers and light infantry, as they marched up the slope of Bunker Hill, and drove them in confusion and dismay to their boats. He was blessed with a most excellent and pious mother; and, like many other eminent men, he

[1] The first of the family, who came over to this country in 1640, were substantial farmers, from Lancashire, in England, and settled in Groton, the town adjoining Pepperell. Benjamin Prescott, the father of the Colonel, was chosen in 1738 the Agent of Massachusetts at the English Court, to maintain the rights of that Province in a controversy with New Hampshire, respecting their boundary lines. He declined going, however, on account of the fatal prevalence of the small-pox at that time in London. Edmund Quincy, who went in his place, actually died there of that disease in the same year. By a singular coincidence, Prescott died at home of a fever, in the course of the same year.

owed to her early influences some of the peculiar and prominent traits of his mind and heart. She possessed the same firmness, mildness, and high principle which characterized her son; and the profound veneration for the Deity, and the deep religious sentiment, which were obvious to all who knew him intimately, were probably implanted in his breast as he stood by his mother's knee. It was, doubtless, his strong filial reverence and affection that prompted him to retain in his possession his paternal acres, and led him to spend a few months every year, in rural hospitality, at the old family homestead.[1]

He received his early education at Dummer Academy, in Byfield, under the tuition of the famous Master Moody, and entered Harvard College in 1779. He graduated in 1783, with distinguished rank, in a class with Harrison Gray Otis, Ambrose Spencer, and Artemas Ward, all of whom survive their eminent classmate. I have recently been informed by one of them, that "he ranked with the highest scholars of his class — that he was always distinguished by the firmness of his character, the

[1] Colonel Prescott was with General Gates, as a volunteer, at Saratoga, at the surrender of Burgoyne, in October, 1777. He afterwards retired to his estate at Pepperell, where he resided till his death, October 13th, 1795, at the age of 70, much respected by his townsmen, among whom he had great influence. His widow survived till 1821, cherished and rendered independent in her circumstances by her only son.

mildness of his manners, the correctness of his conduct, and the purity of his morals. These qualities made him a universal favorite with his classmates, and secured the approbation of the Faculty." He studied his profession at Beverly, with Nathan Dane, well known as the compiler of the great Digest of American Law, and the founder of the Law College at Cambridge, and still better known as the author of the celebrated ordinance which forever excluded slavery from the whole vast territory northwest of the Ohio river. Having been admitted to the Bar of Essex, in 1787, Mr. Prescott immediately opened an office in Beverly, where, however, he remained but two years. In 1789 he removed to Salem,[1] as affording a wider sphere for professional talent, and there continued in constantly increasing practice till the year 1808, when he transferred his residence to this town, and at the same time united himself with this parish,

[1] Whilst residing at Salem he formed the connexion, which for fifty-one years was to him a source of unmingled blessings; he was married in 1793, to Catharine G. Hickling, the daughter of Thomas Hickling, Esq., the Consul of the United States at St. Michael, in the Azores. Of their seven children, four sons died in infancy. Edward, the sixth child, a graduate at Cambridge in 1825, a Minister of the Protestant Episcopal Church, and rector of St. Mary's Church in Salem, New Jersey, died suddenly, April 11, 1844, on the third day of his voyage from Boston to St. Michael, at the age of 40, greatly lamented by his parishioners, as well as by his family and friends. The surviving children are William H. Prescott, the historian, and Catharine Elizabeth, the wife of Franklin Dexter, Esq., of Boston.

then under the pastorship of the Rev. Dr. Kirkland.

Here he remained, engaged in professional business, of which, probably, he had as large and important a share as was ever enjoyed by a member of the Suffolk Bar. For a long period he was retained, on one side or the other, in almost every important case that came into our courts, both in the counties of Suffolk and Essex. From an early hour in the morning, to a late hour at night, he was chiefly devoted to his profession, though also partly occupied with public affairs, in which he always took an interest. In 1812, he was appointed by the Legislature of Massachusetts, on a committee with Nathan Dane and Joseph Story, "to collect the charters, and the public and general laws of the late Colony and Province of Massachusetts Bay," which were printed in 1814. In 1818, he was appointed to fill the place of Judge of the Court of Common Pleas for the County of Suffolk, the second year after its organization; during the first year it having been occupied by his classmate, Mr. Otis. Twice he was solicited to take a seat on the bench of the Supreme Judicial Court of this State; once, under his friend Chief Justice Parsons, who urged it very strongly upon him. But he steadily declined this high honor, preferring the more active duties of his profession.

Mr. Prescott was not, however, so much en-

grossed by the arduous duties of the Law, as not to find time for the service of the public. On the incorporation of the City of Boston, in 1822, he was elected the first President of the Common Council. He was at different times a member of the State Legislature, a Representative both from Salem and Boston, a Senator from the County of Essex, and a member of the Executive Council under the administrations of Governor Gore and Governor Strong.[1] He took an active and prominent part in the Convention of Delegates assembled in 1820 to revise the Constitution of this State. With another eminent member of this parish, his most intimate friend, George Cabot, he was chosen by the Legislature of Massachusetts a delegate to the Convention held at Hartford, in 1814; an office, which although attended with great personal inconvenience, he undertook, from that high sense of duty which controlled all his actions, and most faithfully executed. He was never ashamed of having been a member of that Convention. He was a Federalist, of the school and the principles of Washington, and through life kept those principles ever before him as the guide of his opinions and conduct. And now that that old Federal party is extinct, and is no more an object of alarm, it will be frankly admitted, I suppose,

[1] Mr. Prescott was a Representative from Salem, from 1798 to 1802, inclusive, a Representative from Boston in 1811, 1821, and 1823, and a member of the Executive Council in 1809, 1812, and 1813.

even by its warmest opponents, that in its ranks were to be found some of the wisest and best men in the nation, and that it was the purest political party that ever existed in this country.

Mr. Prescott lent his valuable services and counsels not only to the State, but to the cause of liberal education and sound learning. He was an Overseer of Harvard College from 1810 to 1821, and a Member of the Corporation from 1820 to 1826. He was also a Fellow of the American Academy of Arts and Sciences. In 1815, the University conferred upon him the honorary degree of Doctor of Laws, a distinction that was repeated by Dartmouth College in 1826.

In the year 1828, after forty years' laborious practice of the Law, he was attacked with some complaints of the lungs, attended with bleeding; and the symptoms became so alarming, that the physicians imperatively required him to relinquish his professional career, at least so far as practising in Court. Though he continued for a year or two after this to give advice on important questions, as chamber-counsel, he at length wholly abandoned the exercise of his profession; and we have it stated on the concurring testimony of the highest authority on the Bench and at the Bar,[1] that "he had attained the highest rank in his profession, both as a

[1] Chief Justice Shaw and Mr. Webster.

counsellor and an advocate," and that "at the moment of his retirement from the Bar, he stood at its head, for legal learning and attainment."

The remainder of his days he passed in the enlightened occupations worthy of a great and good mind. His library furnished him with ample means for the most rational enjoyment. Here he would take up any particular question of a metaphysical, theological, or historical nature, and pursue it with all the ardor of a young inquirer after truth; for *truth* was what he strived to attain through life, and which shone through his every word and act. The studies in which he took the greatest delight, were moral philosophy, theology, and civil history; and the vast variety of his reading, and his careful meditation, as well as the natural bent of his mind, filled him with toleration for every sect and party.

1. In the removal of such a man as this, though in a good old age, a stay and a staff are taken away from Society, — whom he had so long and so faithfully served, both in the walks of a laborious and responsible profession, and in the various public offices which he had filled in the city and in the State. He had served this community most efficiently, both in defending their rights at the Bar and in adjudicating upon them from the Bench. During his long professional career, with what untiring industry, with what a conscientious fidelity did he devote himself to the interests of the numerous

clients who sought the aid of his legal learning and prudent counsel.

The secret of the wide influence which Mr. Prescott exerted and the general esteem which he inspired in this community, was unquestionably the entire confidence which was reposed in the soundness of his judgment and the integrity of his heart. Our citizens felt sure that his clear intellect could be dazzled or diverted by no false lights, and that his sense of duty and right could be warped by no sinister or selfish aims. It was believed that he was not only a skilful advocate, and a judicious counsellor, but a thoroughly honest and conscientious lawyer. It was this absolute confidence which led men to summon him to their sick-chambers and their death-beds, to indite their testaments, and to commit to him the arrangement of their affairs and the disposition of their property after their decease. He was a trusted, because he had been proved to be a trust-worthy man — passing on through life above suspicion, and without reproach.

He was an honorable man, inasmuch as he was an independent, firm and courageous man. He was an echo of no one's opinions, a copyist of no one's doings. On all questions, moral, social, or political, he thought and spoke and acted for himself, not following the lead of any partisan, not following even the multitude, in its wisdom or its folly. He did not shrink from the avowal of any sentiment

or the prosecution of any measure from the fear of any consequences that might result to himself personally. He was afraid only of doing what was wrong.

Regarding him as a statesman and a patriot, he died at a fortunate time for himself — at a momentous crisis in our affairs — out of which may God, in his infinite mercy, bring us with our national escutcheon unstained, and with no drops of blood upon our garments! He was spared the shame and mortification of seeing our territory enlarged by the indefinite extension of slavery, with its intolerable evils and accursed wrongs. I say he died at a fortunate time for *himself;* for the infirmities of age would have prevented him from taking an active part in the decisive measures necessary to check and prevent this great national calamity. Had this object been attempted some years ago, in the time of his vigorous manhood, he would have been among the first, I doubt not, to meet it, calmly, yet manfully, and fearlessly. For he was a man of indomitable moral courage. I have myself heard him say, that it behooved every New-England man, who consented to take a seat in the great council of the nation, to go there resolved to submit to no affront to the North, and steadily to repel every encroachment on the rights of the free States. And was he not right? Do we not need more such men there, at this crisis, as that "old man eloquent" and brave,

who has for so many years fought, almost single-handed, the battles of liberty against a host of foes, and has at last triumphantly vindicated the right of petition? Do we not now greatly need the prudence, the calmness, and the courage of such men as William Prescott, who might tell us what we ought to be prepared to do in case this dreadful evil is fastened upon us? Never has there been a time, since the first outbreak of the Revolution, when the wisdom of the ancient judge and the prudent counsellor was more needed. Yet, as I have intimated, God may have taken him away in mercy from witnessing this foul blot upon his country's character and honor. Tacitus, in his life of Agricola, mentions it as some alleviation of his premature death, that he escaped the worst times, and did not see the courts of law closed, the senate surrounded with an armed force, and havoc and slaughter stalking through the land; and then adds, "Tu verò, felix, Agricola, non vitæ tantum claritate, sed etiam opportunitate mortis." And may we not deem it fortunate, rather I should say providential, that our venerable friend did not live to see this dark deed consummated — did not live to see the constitution violated, or the union shaken to its centre, or the nation plunged into a foreign or a civil war?

> "He sleeps well.
> Treason may do its worst; nor steel, nor poison,
> Malice domestic, foreign levy, nothing
> Can reach him further."

2. Again. In the decease of this venerable man, a strong stay and staff is taken away from this Church. We lose in him one of our oldest and best parishioners — one of the firmest pillars and brightest ornaments of our congregation. Judge Prescott connected himself with this parish on his coming to Boston in 1808, under the brilliant ministry of Dr. Kirkland; and from that day to this he has continued a steady supporter of our religious institutions, and, until prevented by illness and the infirmities of age, a regular and constant attendant upon our services of worship. In his earlier days he took an active part in managing the prudential affairs of the Society, and has always been ready by his counsels, his labors, and his purse, to promote its interests. You know, my friends, that he was ever among the foremost and largest contributors to the advancement of every good work proposed in our religious community. The Theological School at Cambridge and the Ministry to the Poor in this city have received often and largely from his bounty.[1] And the cheerfulness with which he contributed to every object which he thought would promote the prosperity of this Church, rendered his gift doubly valuable, proving that it was indeed a gift of love. The last, and a very recent instance of

[1] Among other legacies, Judge Prescott bequeathed five hundred dollars to the Boston Asylum for Female Orphans, and three thousand dollars to the Corporation of Harvard College, for the purchase of books for the Library.

this kind, which will always be gratefully remembered by us, was his generous donation for the purchase of that noble Organ, which is now called, alas! too soon, to chant his requiem.

Judge Prescott is the last of that remarkable class of clear-headed and strong-minded men, all emigrants from the county of Essex, whom this Church adopted, and fostered in her bosom, and is proud of enrolling among her children. Theophilus Parsons, George Cabot, Nathaniel Bowditch, William Prescott — I name them in the order of their decease — where will you find in any church among us another such brilliant galaxy of names — such a combination of talent, wisdom and virtue — men who have stamped their characters upon this community, and will be held here in everlasting remembrance?

Brethren, I love to reflect that such men have been of us and with us — that they have lived with us, and worshipped with us, and died with us — that they have been with us in heart and soul, in unity of religious sentiment and principle. And when doubts are at any time expressed in my hearing of the efficacy of our peculiar system of Christian faith, I point to the characters of these men, formed under the influences of this faith and the instructions of this pulpit. I say "By their fruits ye may know them. He that doeth righteousness is righteous."

My friends, it is a precious privilege which we of this ancient church enjoy, that we have a noble and sacred ancestry — that we can look back in our annals to hoary heads that have been found in the way of righteousness, to venerable names that make a part of the history of the commonwealth and country, and stand high on the rolls of jurisprudence and science. We have a glorious history, that yet remains to be written, and which will include the biographies of the learned and eloquent ministers of this church, and of its eminent laymen, and of its cultivated and pious women, not a few — may the living ones return late to the stars! — who have been full of good works and alms-deeds which they did.

Let us cherish their memories — the memories of the sainted dead. Especially let the young men who are now coming on the stage of life, look to the example of integrity and lofty principle which these great and good men have left. Let them be taught by their success in life, by the enviable fame which they gained, and, more than all, by the affection and reverence which are cherished for their memories, and by the tears and regrets with which they were followed to their graves, — that the only path of honor is the path of virtue, — and that if they would be remembered hereafter, they must first be respected and loved by a living generation whom they have served and blessed.

3. But a stay and staff has been taken away not only from this church, but from its Pastor. Judge Prescott has always been not only a valuable member of this parish, but a steady friend and unwavering supporter of its ministers. He was the model of a good parishioner — wise, considerate, sympathizing, kind. My illustrious predecessors in this honored place, Kirkland, Thacher, Greenwood, successively enjoyed the benefit of his counsels and affections. And for myself I am bound to say that in him I lose my greatest benefactor in the parish. I can almost literally apply to myself the words of Roger Ascham, when speaking of the death of his patron. "In the midst," says he, "of outward injuries and inward cares, to increase them withal, good Sir Richard Sackville dieth; — that worthy gentleman; that earnest favorer and furtherer of God's true religion; that faithful servitor to his prince and country; — a lover of learning and all learned men; wise in all doings, courteous to all persons, showing spite to none, doing good to many; and, as I well found, to me so fast a friend, as I never lost the like before. When he was gone, my heart was dead. There was not one that wore a black gown for him, who carried a heavier heart than I." When I was settled in this parish twenty years ago, an inexperienced young man, ready to sink under the crushing labors and responsibilities of the place, Judge Prescott took me kindly by the

hand ; and that hand was never afterwards withdrawn. His countenance and encouragement have often strengthened my heart and nerved my soul amidst the trials and anxieties of my professional life. In this way I have been laid under a load of obligation which now I can never hope to discharge. But if I forget it, let my tongue cleave to the roof of my mouth, and my right arm fall palsied from its socket.

4. Finally. In the decease of our lamented friend, a stay and staff has been taken away from his Family. How great a loss they have thus sustained, they alone can understand. That loss is enhanced by the circumstances of his life, and the dispositions and qualities of his heart. That life had been, for the most part, a quiet and uneventful one, and therefore all the happier. His social and domestic affections were strong and tender. He loved his home, and the circle of his chosen friends, more than the conflicts of ambition and the scenes of political strife. And although he was ready to make sacrifices of personal ease and enjoyment for the common good, yet he was always glad to be released from public cares, that he might spend his evenings around his own fireside, in the bosom of his family.

He lived to enjoy a serene and happy old age. Never has it been my privilege to witness one more tranquil and delightful. His last years, which with

the old man are usually a burden and a toil, were amongst the best and happiest of his happy life. How much pure and rational enjoyment did he receive, and how much did he impart, in his truly patriarchal abode, in the midst of his children's children! It was in his old age, too, that a grateful country honored him for the services which his family, in three successive generations, had rendered it by the sword, the tongue, and the pen. Fortunate indeed was he in the ascending and the descending line of his generation; looking backward with filial admiration to the brightening fame of his brave progenitor, and forward with paternal pride to the widening reputation of a descendant who, by his writings, has done so much to instruct and delight the world.[1]

Our venerated fellow-worshipper died suddenly, on the morning of the last Lord's day, without a struggle or a pang, in the full possession of his faculties, and with a hope full of immortality, in the 83d year of his age.

> "Of no distemper, of no blast he died;
> But fell like autumn fruit that mellowed long;
> E'en wondered at because he dropped no sooner.
> Fate seemed to wind him up for fourscore years;
> Yet freshly ran he on two winters more:
> Till, like a clock worn out with eating time,
> The wheels of weary life at last stood still."

[1] William H. Prescott, Esq., the author of the "History of the Reign of Ferdinand and Isabella, the Catholic," and of the "History of the Conquest of Mexico."

It has been affectionately and beautifully said by another,[1] that "the objects on which his eyes were fixed, for the last time, before they should be closed to open no more, were the objects nearest and dearest to his affections and his heart. This must have been as he could have wished. He could not but have prayed, that, with a body unracked by disease, an unclouded mind, and a perfect consciousness, he might enjoy this, as his last earthly wish. Not unmindful of the approach of that change, which was to call him to another state of being, he met the moment, when at last it came, with serenity, and submitted himself to the will of his Creator with cheerfulness and trust."

Such a departure was a *euthanasia* indeed — a fitting close to such a career.

A life, a character, a death like this, need no comment from me to explain or enforce their lessons. I leave them to make their own impression.

"Why weep ye then for him, who, having won
The bound of man's appointed years, at last,
Life's blessings all enjoyed, life's labors done,
Serenely to his final rest has past;
While the soft memory of his virtues, yet,
Lingers like twilight hues, when the bright sun is set.

"His youth was innocent; his riper age
Marked with some act of goodness every day;
And watched by eyes that loved him, calm and sage,
Faded his late declining years away.

[1] Mr. Webster.

Cheerful he gave his being up, and went
To share the holy rest that waits a life well spent.

"That life was happy; every day he gave
Thanks for the fair existence that was his;
For a sick fancy made him not her slave,
To mock him with her phantom miseries.
No chronic tortures racked his aged limb,
For luxury and sloth had nourished none for him.

"And I am glad that he has lived thus long,
And glad that he has gone to his reward;
Nor deem that kindly nature did him wrong,
Softly to disengage the vital cord.
When his weak hand grew palsied, and his eye
Dim with the mists of age, it was his time to die."

APPENDIX.

PROCEEDINGS OF THE SUFFOLK BAR.

A MEETING of the Suffolk Bar was held in the Law Library, on Tuesday morning, December 10th, 1844. It was called to order by CHARLES P. CURTIS, Esq. and proceeded to the choice of a President and Secretary, pro tem.

The Hon. JEREMIAH MASON was chosen President of the meeting, and WILLIAM H. GARDINER, Esq. Secretary.

The Hon. DANIEL WEBSTER then made some appropriate remarks, substantially as follows: —

Mr. President and Brethren of the Suffolk Bar:

We have met together on one of those solemn occasions, common to so numerous a body, but which must, in this instance, cause an unusual degree of regret and pain. The oldest member of our Association has departed this life. He had lived to an extraordinary age, and though retired for many years from active life, he was known and respected by all of us; to some of us known very long and intimately. No man has ever lived among us, of more amiable demeanour, or purer character. No man has ever possessed, in a more eminent degree, those qualities which create public confidence for the members of this profession. WILLIAM PRESCOTT was a man, whose integrity was incorruptible, and whose manners were most gentle and kind; but whose firmness of principle, and at the same time independence of character, were never to be questioned. It is fit that they, who have not only known, but who, as members of a common profession, have been honored by his virtues, should now do honor

to his memory. I have been requested, a few moments since, to move Resolutions, appropriate to this occasion, and I cheerfully comply; for though there has been little time for their preparation, and none for premeditated remarks, no length of time can be needful for the purpose of expressing, in a simple and respectful form, our affectionate reverence for the character of our deceased brother.

Mr. WEBSTER then moved the following Resolutions, which were seconded by the Hon. JAMES SAVAGE, and unanimously adopted.

Resolved, That the members of this Bar have heard, with sincere sorrow, of a recent mournful event, which strikes from the head of their roll, a name which they had long been accustomed to venerate.

Resolved, That the late WILLIAM PRESCOTT, whose sudden decease, at a good old age, calls forth this tribute of respect, presented to his associates, throughout a long life, whether at the Bar, or on the Bench, or in the dignified retirement of his late years, such an eminent example of modest talent, substantial learning, and unpretending wisdom, with affable manners, strong social affections, absolute fidelity in every relation of life, and probity beyond the slightest suspicion of reproach, as rarely adorns even the highest walks of professional excellence. Concerning whom may it be more appropriately asked than of him,

> "Cui Pudor, et Justitiæ soror,
> Incorrupta Fides, nudaque Veritas,
> Quando ullum inveniet parem?"

Resolved, That the members of this Bar will long cherish the memory of the character of their deceased brother, as an honor to his profession, a model to themselves, and an example of virtue and excellence to all.

Resolved, therefore, That the members of this Bar tender their respectful sympathies to the family of the deceased, and respectfully ask permission to attend the funeral of their late oldest associate.

Resolved, That the President and Secretary of this meeting be requested to present to the family a certified copy of these proceedings.

Resolved, That the same officers also cause the proceedings of this meeting to be communicated to the Honorable the Justices of the Supreme Judicial Court, now in session.

PROCEEDINGS OF THE SUPREME COURT.

The death of the Hon. William Prescott was announced in the Supreme Court on Wednesday morning, December 11th, by Mr. Webster, who presented the Resolutions which had been adopted by the Bar, with the following remarks: —

May it please your Honors:

I rise to perform a duty, of a kind new to me here, and as sad as it is new. I rise, in behalf of the Bar of the County of Suffolk, to communicate to the Court its proceedings on a late mournful occurrence. The oldest member of that Bar is now no more. William Prescott has departed this life. He died suddenly, at his own house, and in the bosom of his family, on Sunday morning, the 8th instant, without pain, and without loss of faculties, or mental aberration, at the age of eighty-two.

The objects, on which his eyes were fixed, for the last time, before they should be closed to open no more, were the objects nearest and dearest to his affections and his heart. This must have been as he could have wished. He could not but have prayed, that, with a body unracked by pain, an unclouded mind, and a perfect consciousness, he might enjoy this, as his last earthly vision.

Not unmindful of the approach of that change, which was to call him to another state of being, he met the moment, when at last it came, with serenity, and submitted himself to the will of his Creator with cheerfulness and trust.

Mr. Prescott retired from the practice of the Bar in 1828; and it will not be thought in any degree unjust to others, to say, that at the moment of his retirement, he stood at its head, for legal learning and attainment.

Although thus withdrawn, for several years, from the active scenes of his profession, yet, having constantly cherished a warm interest for its character and usefulness, and derived pleasure, as great and as sincere as those felt who were younger, from every evidence of the advancement of the noble science of Jurisprudence, his brethren of the Bar could not but feel the magnitude

of the loss which they have sustained by his death; nor could they withhold the tender of a sincere and affectionate tribute to his character.

Others know, and will record, his worth in other relations of life. We contemplate him, on this occasion, only as he stood, for a long time, among us, as a Lawyer and an Advocate, and for a short period sat before us, as a Judge.

Assembled in full meeting yesterday, the Bar of Suffolk unanimously adopted these Resolutions.

In the necessary absence of our learned brother, the President of the meeting, and at his request, and that of the Secretary, I now communicate these proceedings to the Justices of the Supreme Judicial Court of Massachusetts, here sitting; and respectfully beg leave to say, that it would gratify the feelings of the members of the Bar, if the Court would relieve them from their attendance on their duties before it to-day, that they may all have an opportunity to follow the remains of their lamented brother to the tomb.

To this address Chief Justice Shaw replied as follows: —

Gentlemen of the Bar:

This Court receive, with the deepest sensibility, these Resolutions of the Bar, and do most sincerely sympathize with the members of the Bar, and the people of this community, in the emotions of sorrow with which they have been struck, by the sudden, melancholy, and impressive event, to which these proceedings relate.

The decease of such a man as Mr. Prescott, so long known, so highly and universally respected, and so sincerely loved, though at an advanced age, though withdrawn from the conspicuous stations of public life, which he so long held and adorned, cannot occur without a severe shock to the feelings of those who survive. Such feelings are natural; they are not without their beneficial uses; and, to a certain extent, it is fit that they should be indulged. It is fit that those, who are still engaged in the more active and absorbing duties of professional and official life, should pause, to receive with deference and submission, the monitory lesson it imparts, to pay a just and

heartfelt tribute to the memory of a deceased brother, and prepare for the great change, in which they are so soon to follow him.

Mr. Prescott was most known as a lawyer, at once learned and practical. By persevering industry, by an ardent devotion to his high and responsible duties, without extraordinary advantages, he had attained the highest rank in his profession, both as a counsellor and an advocate.

He was distinguished for patient investigation, for great power of discrimination, and practical sagacity, in separating what was essential from what was accidental, in whatever was presented for his consideration. But to these characteristics of an eminent jurist, he added the crowning grace, without which all other qualities must fail to command the confidence of others, that of professional integrity. It was a full reliance upon his known purity and singleness of purpose, which induced all those who had occasion for counsel and assistance to believe, with entire confidence, that in his care their dearest rights and most important interests would be safe. These slight, but highly gratifying views of his professional character, views which, if the time and opportunity would permit, might be greatly extended, while they bring back a grateful and vivid recollection of his excellence to those who were contemporary with him, and knew him personally, present a bright example to those members of the profession who have entered on its honorable career since his retirement.

But although Mr. Prescott devoted most of the active part of his life, and the energies of his mind, to the duties of the profession he loved, yet he was not unknown to his countrymen as a patriot and statesman. Though mostly regarded by the people as the trusted counsellor and faithful advocate of their personal and private interests, yet when the emergency called, when their public rights and social interests were in peril, he was looked to as the advocate and supporter of these great interests; nor was he looked to in vain. He was surpassed by no man in that purity of purpose and disinterestedness, that sterling integrity and unyielding resolution, in support of what he considered right, which are among the highest qualities of a sage and patriot.

Of Mr. Prescott's private life and character, gratifying as it would be, it does not become me to speak upon this occasion. It is sufficient, and it is gratifying to know, that since his retirement from the duties of his profession, he has passed an elegant leisure in those intellectual occupations and literary pursuits, which a life of honorable and useful industry had prepared him to enjoy, and in those graver studies which befit the dignity, and add brightness to the prospects of advancing years.

The Court will pass an order that the proceedings of the Bar be entered on their record, as a memorial to future times of the respect and veneration in which our lamented brother was held, and will adjourn [1] till to-morrow, to enable us personally to join with the Bar in paying our tribute of respect to his memory, by attending his remains to the tomb.

[1] The Court were at this time engaged in a capital trial.

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